

ORDINANCE No. 1401-PUD-02

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO TITLE 16 - LAND USE CONTROLS.

This is a planned unit development ordinance (the "NorthWalk PUD Ordinance") to amend the Westfield-Washington Zoning Ordinance of the city of Westfield and Washington Township, Hamilton County, Indiana (the "Zoning Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code Section 36-7-4 *et seq.*, as amended.

WHEREAS, the City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subjects to the Westfield-Washington Township Zoning Ordinance; and

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition **1401-PUD-02** filed with the Commission, requesting an amendment to the zoning Ordinance; and,

WHEREAS, the commission did not take action to forward the said **1401-PUD-02** to the Westfield City Council (the "Council") with a favorable recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505; and,

WHEREAS, the Secretary of the Commission certified the action of the Commission to Council on December 4, 2012; and,

WHEREAS, the Council is subject to the provisions of the Indiana Code IC 36-7-4-1507 and 36-7-4-1512 concerning any action on this request.

NOW THEREFORE BE IT ORDAINED BY THE CONCIL THAT TITLE 16 OF THE WESTFIELD CODE OF ORDINANCE BE AMENDED AS FOLLOWS:

SECTION 1. APPLICABILITY OF ORDINANCE.

1.1 The NorthWalk PUD Ordinance (the "Ordinance") applies to the subject real estate more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference (the "Real Estate"). **An area map is attached as Exhibit "A"**

1.2 The underlying zoning district shall be the SF-3 Residential District (the "SF-3 District").

1.3 Development of the Real Estate shall be governed by the provisions of the zoning Ordinance unless specially modified by the terms of this Ordinance. All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby repealed as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

1.4 The Real Estate shall be developed as generally depicted on Exhibit "~~D~~" "C" (Concept Plan). Final site development shall be governed by the terms of this ordinance and the Development Plan Review, Subdivision Primary Plat and Secondary Plat requirements of the Zoning Ordinance.

SECTION 2. PERMITTED USES.

2.1 The uses for the Real Estate shall be limited to the following: ~~Single Family Dwellings.~~
~~Seven duplex dwellings, with 14 single family units~~

2.2 The maximum number of Dwellings permitted on the Real Estate shall be 16.

SECTION 3. DEVELOPMENT STANDARDS.

3.1 Lot Standards: See Exhibit "~~E~~" "D"

3.2 Architectural Standards: See Exhibit "~~F~~" "E"

3.3 Individual Lot Landscaping:

A. Lot: A minimum of the ~~(3) trees, and four (4)~~ (1) shade tree, (1) ornamental (4) shrubs shall be planted on each lot.

B. Lots abutting MF-1: In addition to the landscaping required in Section 3.3A above a minimum of two (2) evergreen trees, and ten (10) evergreen shrubs shall be planted in the rear yard of each lot abutting the real estate zoned per the MF-1. A conceptual depiction of these plantings is illustrated on Exhibit "K".

3.4 On Site Landscaping and Open Space:

A. ~~Street trees shall be planted along all similar as shown in Exhibit H.~~
Buffer Yard: 30 feet on South & East and 20 feet on North side. Buffer yards will also serve as drainage easement. The first 10 feet, next to structure, may be used as outdoor living space for property owners, no permanent structure will be allowed in buffer area.

B. Buffer Yard plantings abutting real estate zoned MF shall be replaced by landscaping in the rear of lots as shown in Exhibit I

C. Common area, individual lot landscaping, and street trees shall be credited toward the On Site planting requirements of the Zoning Ordinance.

D. The minimum open space (Green Belt Space) shall be ~~ten (10)~~ approximately 38% .

3.6 Development Amenities:

A. Development Amenities shall be constructed on the Real Estate in substantial compliance with the Concept Plan (Exhibit "C").

B. The following Development Amenities shall be constructed:

SECTION 4. APPROVAL.

4.1 Upon motion duly made and seconded, this Ordinance was fully passed by members of the council this _ day of _____, 2014. Further, this Ordinance shall be in full force and effect, in accordance with Indiana law, upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana.

ALL OF WHICH HEREBY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY,
INDIANA THIS ____ DAY OF _____, 2013.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Robert J. Smith

Robert J. Smith

Robert J. Smith

Cindy L. Spoljaric

Cindy L. spoljaric

Cindy L. Spoljaric

Robert W. Stokes

Robert W. Stokes

Robert W. Stokes

Chuck Lehman

Chuck Lehman

Chuck Lehman

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

I herby certify that **1401-PUD-02** was delivered to the Mayor of Westfield on the _____ day of _____, 2014 at _____ m.

Cindy J. Gossard, Clerk- Treasurer

Cindy J. Gossard, Clerk-Treasurer

ATTEST:

J. Andrew Cook, Mayor

I herby APPROVE ORDINANCE No. **1401-PUD-02**

This _____ day of _____, 2014.

I herby VETO ORDINANCE No. **1401-PUD-02**

This _____ day of _____, 2014.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law:

X

Signed

Exhibit A

(Legal Description)

A part of the West Half of the Northwest Quarter of Section 31, Township 19 North, Range 4 East, in Hamilton County, Indiana, more particularly described as follows:

Beginning 840.42 feet North 00°00'00" (assumed bearing) of the Southwest corner of the Northwest Quarter of Section 31, Township 19 North, Range 4 East and on the West line thereof; thence North 89°42'30" East 215.18 feet; thence South 43°31'47" East 31.46 Feet; thence South 00°42'30"seconds East 18.28 feet; thence South 89°51'00" East and parallel to the North line of Broadview Section One, a subdivision in Hamilton County, Indiana, as recorded in Plat Book 2, page 245, in the Office of the Hamilton County Recorder, 192.93 feet; thence North 00°00'00" seconds East 289.90 feet; thence North 89°51'00" West 430 feet to a point on the West line of said Quarter Section; thence South 00°00'00" West on and along said West lines 250.53 feet to the place of beginning.

Exhibit A

(Area Map)

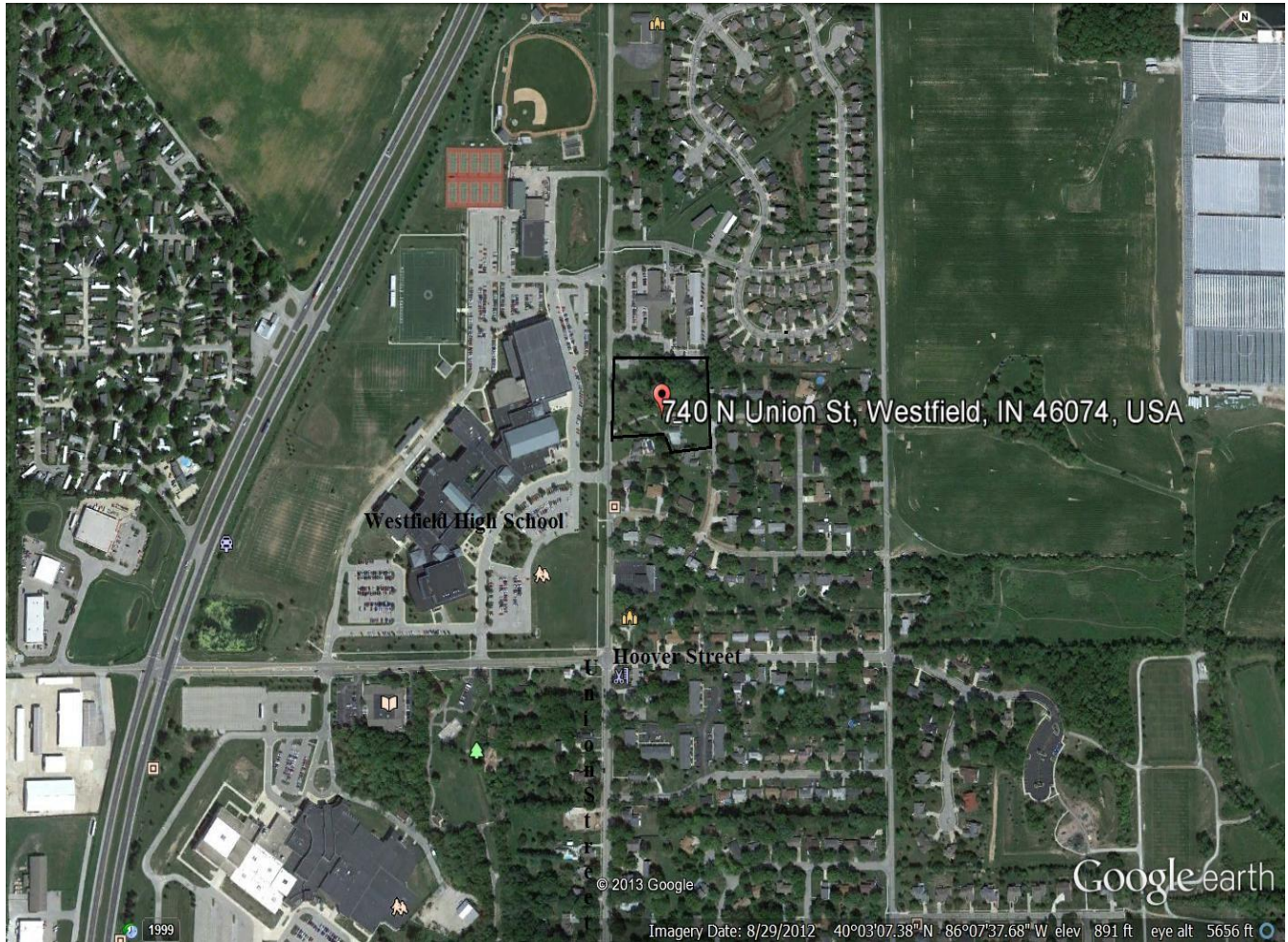


Exhibit B

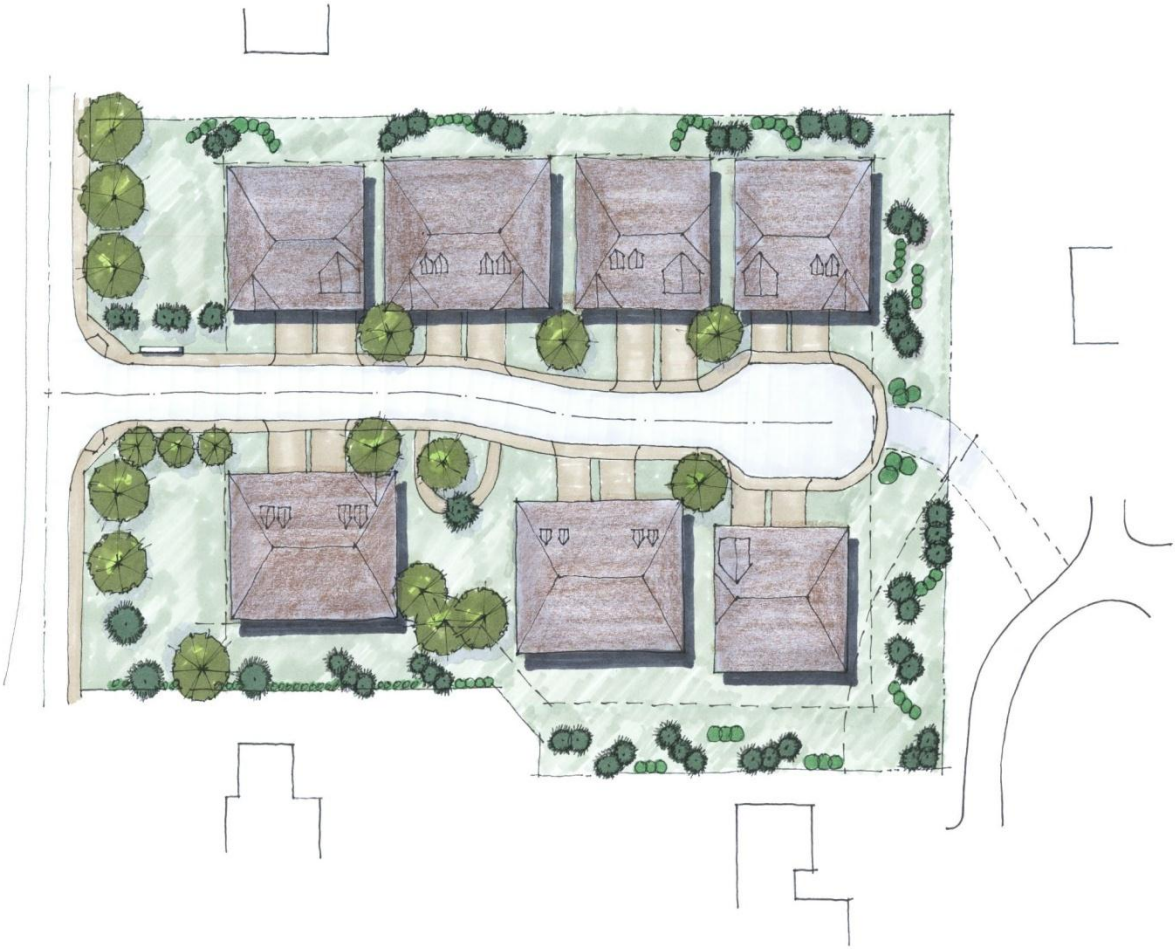
(Site Map)



Concept Plan

↑ **NORTHWALK**

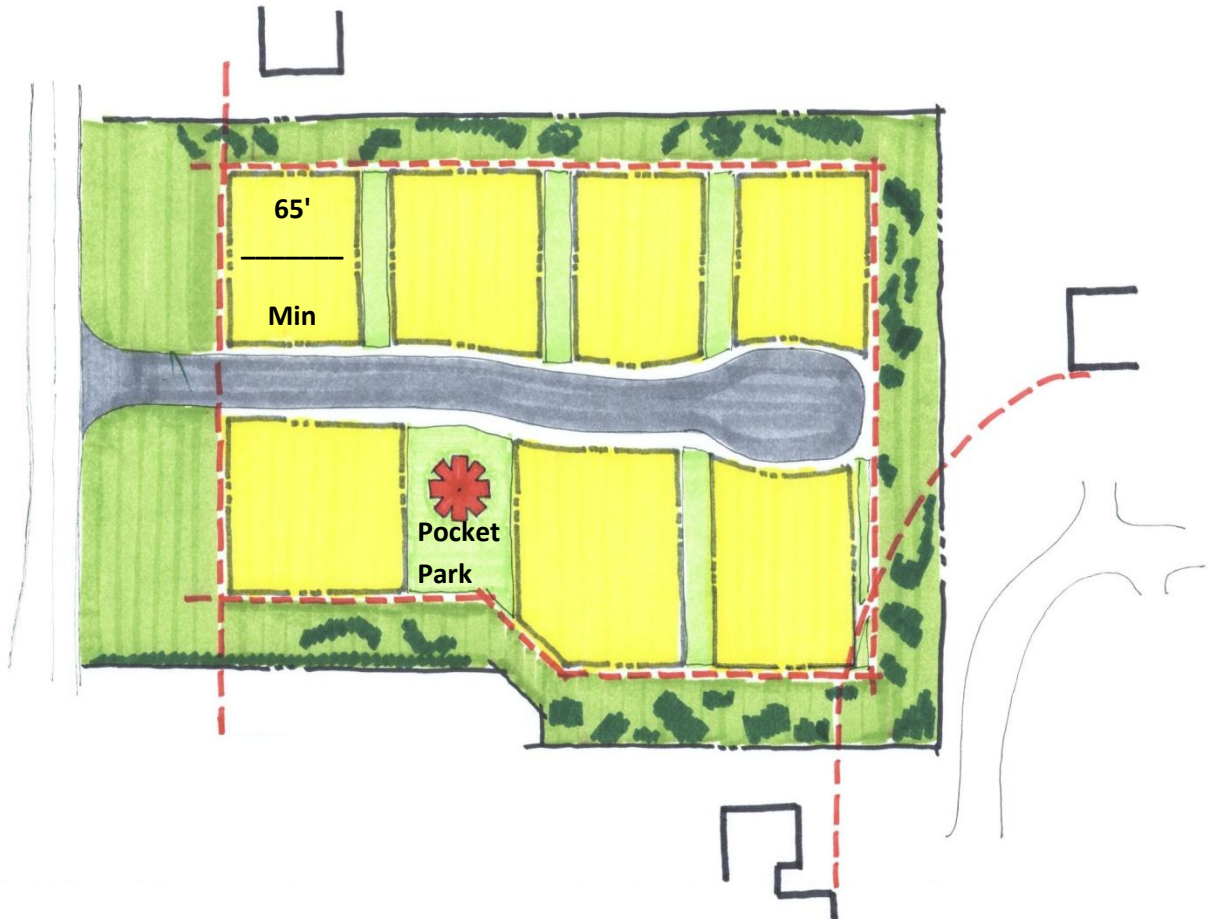
Exhibit C



LOTS

↑ NORTHWALK

Exhibit D



Site:	<u>2.7 acres</u>
38.5%	Lots
38.5%	Open Space
23.0%	Right of way

Exhibit E

(Architectural ~~Standards~~ and Lot Standards)

The following architectural standards shall be required and applicable to all residences constructed upon the Real Estate:

1. Brick, stone, stucco, wood, or composite siding (hardie board) ~~and vinyl~~ material are permitted. Wood; composite board; aluminum, vinyl clad, fiberglass, and vinyl windows and/ or soffits are permitted. The use of wood ~~vinyl~~ and aluminum fascia and guttering are also permitted.
2. Roofs shall be standard or architectural shingles (at developers option)
3. ~~Porches are required on all front elevations. Porches should be designed and sized to be appropriate and usable.~~
4. Windows shall appear in all four (4) elevations of ~~houses.~~ duplex units
5. ~~Developer will install one central mailbox cluster.~~
6. Chimneys occurring on the exterior of the house shall be constructed of material described in paragraph one (1).
7. Driveways may be constructed of porous material. Concrete, stone or brick pavers shall be permitted.
8. Design elements and detailing shall be continued completely around the structure. Such design elements shall conclude, but are not limited to, window placements, trim detail and exterior wall materials. Long, massive, unbroken exterior building walls shall be avoided.
9. Crawl space foundations and/ or garage foundations may be poured wall or concrete block construction. slabs are a permitted floor system.
10. Equipment vents are to be located to be mainly visible from the street frontage and shall be color coded to match the trim or roofing materials.
11. ~~Exterior colors will be vibrant and complimentary with the trim. Color schemes of three (3) to four (4) colors per house are desirable.~~

FRONT ELEVATION



SIDE ELEVATION

North Walk- Lot Standards:

1. Minimum Lot area-

A. ~~Single family not less than 3500 square feet~~

Duplex lots (2 units) not less than 3900 square feet, unit lots not less than 1700 square feet

2. Minimum Lot Frontage on Roads - Not less than ~~40 feet~~ 65 feet per duplex lot (2 units)

3. Minimum Setback Lines -

A. Front Yard - ~~10 feet~~ 18 feet

B. Side Yard - ~~3 feet except corner lots when 20 feet will also apply to side yard on road~~ 5 feet

C. Rear Yard - ~~20 feet~~ no set back or required

D. Minimum lot width a building line -

i. ~~Single family 35 feet~~

ii. Duplexes ~~on corner 40 feet~~ 65 feet

4. ~~Maximum building height Not to exceed 32 feet~~

5. Minimum ground level square footage, exclusive of porches, terraces and ~~garages Single family~~

A. Single family - ~~850 square feet~~ 1700 including garage

B. Two story - ~~570 square feet~~ 1450 square feet including garage

~~C. Tri-level 570 square feet (basement & 1st level)~~

~~D. Story and one half 570 square feet~~

